

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

David James Sylvester,

Civil 09-2544 JMR/FLN

Plaintiff,

v.

O R D E R

Mary Christine Sylvester,

Defendant.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated October 8, 2009, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* [#2] is DENIED; and
2. This action is summarily DISMISSED for lack of jurisdiction.

DATED: November 2, 2009.  
at Minneapolis, Minnesota

s/James M. Rosenbaum  
JUDGE JAMES M. ROSENBAUM  
United States District Court